



MISSOURI DEPARTMENT OF MENTAL HEALTH

Dorn Schuffman Director



DEPARTMENT
OPERATING
REGULATION
NUMBER

DOR
6.050

CHAPTER Human Resources	SUBCHAPTER Rights and Procedures	EFFECTIVE DATE 02/01/2004	NUMBER OF PAGES 3	PAGE NUMBER 1 of 3
SUBJECT Disciplinary Actions		AUTHORITY 630.050 RSMo	HISTORY See Below	
PERSON RESPONSIBLE Director, Office of Human Resources			Sunset Date 7/1/2007	

PURPOSE: Defines actions and terms related to employee discipline.

APPLICATION: Applies to the DMH employees not covered by a union agreement.

(1) As used in this D.O.R., the following terms shall mean:

(A) "Appointing authority," head of the facility for employees of the facility, division director for division-wide employees, and department director for department-wide employees.

(B) "Designee," an employee designated through policy, procedures or practice to act on the part of the Appointing Authority in certain matters.

(C) "Discipline," a written reprimand, suspension, involuntary demotion, or dismissal, unacceptable conduct notice, or a conditional employment period issued by the appointing authority or designee for misconduct, a violation of department, division or facility rules, regulations, policies, procedures or practices, for deficiencies in performance, or for the good of the service.

(D) "Dismissal," a separation from employment for disciplinary purposes.

(E) "Involuntary demotion," an involuntary change for disciplinary purposes of an employee from a position in one class to a position in a class of lower rank.

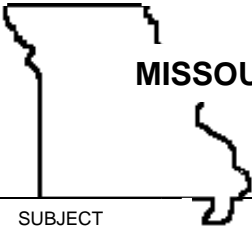
(F) "Reprimand," a disciplinary action in the form of a letter or memorandum to an employee notifying the employee of misconduct, violations of department, division or facility rules, regulations, policies, procedures or practices, or for deficiencies in performance, and the consequences of further misconduct, violations, or deficiencies in performance.

(G) "Supervisor," the rater of employee on the performance plan and appraisal.

(H) "Suspension," an enforced leave of absence without pay for disciplinary purposes.

(I) "Unacceptable conduct", a disciplinary action used in the instance of unacceptable conduct by an employee when, in the judgment of the appointing authority, the conduct does not warrant immediate demotion or dismissal, but which requires a permanent record in the employee's service history.

(J) "Conditional employment", a disciplinary action taken when an employee's conduct or performance is such that change is required as a condition of employment. The appointing authority may issue a statement describing the necessity for change, including what needs to be changed and in what time period (not to exceed three months). A permanent record is created in the employee's service history.



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(2) The letter notifying an employee of an unacceptable conduct, conditional employment period, suspension, involuntary demotion or dismissal shall be issued by the appointing authority.

(3) The letter or memorandum notifying an employee of a reprimand shall be signed by the appointing authority or designee.

(4) The letter or memorandum notifying an employee of disciplinary action shall be presented to the employee by the supervisor, appointing authority or the appointing authority's designee. The employee shall sign and date that the letter was received. If the employee refuses to sign, the supervisor, appointing authority or appointing authority's designee shall so document. If the employee is not available to receive the letter, it shall be sent to the employee's last address of record by certified mail.

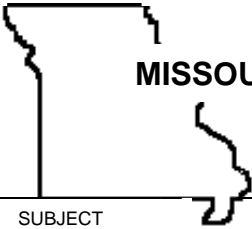
(5) A copy of the letter or memorandum notifying an employee of disciplinary action shall be placed in the employee's personnel file.

(6) An employee who has attained regular status under the Merit System and is suspended without pay for more than five days, is involuntarily demoted, or is dismissed has rights to appeal to the Personnel Advisory Board as outlined in 1 CSR 20-4.010 of the Rules and Regulations of the Personnel Advisory Board and the Personnel Division. The letter notifying an employee of such action shall inform the employee of such appeal rights.

(7) An employee who is suspended without pay for five days or less may appeal the suspension in accordance with DOR 6.090 (Handling Employee Grievances) or its successor policies.

(8) An employee who has attained regular status under the Merit System and is suspended without pay, involuntarily demoted or dismissed may present facts and circumstances to the appointing authority or the appointing authority's designee prior to the effective date of the action to show reasons why the action should not be taken. The letter notifying an employee of such action shall inform the employee of this right. The effective date of the action shall be such that the employee has a reasonable amount of time to prepare a response after the date notifying the employee of the action.

(9) A copy of the letter notifying an employee of unacceptable conduct, a conditional employment period, suspension, involuntary demotion or dismissal shall be sent to the Division of Personnel. For actions taken against an employee who has attained regular status under the Merit System, the copy of the letter shall be sent to the Division of Personnel prior to the effective date of the action. A copy shall also be sent to the Office of Human Resources in the Central Office of the department.



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(10) Employees in certified bargaining units may have rights in addition to those listed in this Department Operating Regulation.

(11) The Director of the Office of Human Resources will review and analyze any statutory, regulatory, or policy changes as they occur to determine their effect on the provisions of this Department Operating Regulation and will make changes as necessary.

History: Original DOR effective October 15, 1981. Amendment effective October 1, 1984. Sunset extended effective July 1, 2002. Sunset extended effective August 1, 2003. Amendment effective February 1, 2004..